

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RONNIE ODELL PARKER,)
Plaintiff,)
V.)
CALIBER HOME LOAN, INC., et al.,)
Defendant.)
Case No. CIV-19-637-PRW

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 12, 2019, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action in which Plaintiff has filed a civil rights complaint alleging property fraud by a mortgage lender and its president (Dkt. 1).

Pursuant to the Court’s duty to screen this prisoner’s in forma pauperis action,¹ the Magistrate Judge recommends dismissal of the action for failure to state a claim upon which relief may be granted. In the Magistrate Judge’s view, Plaintiff established neither that the defendants acted under the color of state law, nor that *his* constitutional rights were violated (he alleges violations of his mother’s rights). Plaintiff was advised of his right to object to the Magistrate Judge’s recommendation by October 23, 2019, and he timely objected on October 18, 2019. Plaintiff’s objection, however, addresses neither of the reasons given by the Magistrate Judge in support of her recommendation. He instead argues

¹ 28 U.S.C. § 1915(e)(2).

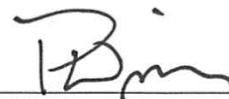
that because he has requested monetary relief, he has stated a “claim” and that dismissal of his case would deprive him of his due process right to be heard (Dkt. 17).

Having carefully reviewed this matter de novo, the Court agrees with the Magistrate Judge that the case should be dismissed. Plaintiff has failed to make any allegation that would support a finding that Defendants were acting under the color of state law, or that the Defendants’ alleged actions violated his rights, rather than his mother’s. As the basis for this conclusion, the Court adopts the analysis contained in the Report and Recommendation.

Accordingly, the Court:

- (1) **ADOPTS** the Report and Recommendation (Dkt.15) issued by the Magistrate Judge on October 2, 2019,
- (2) **DISMISSES** the case without prejudice, and
- (3) **ORDERS** that judgment issue forthwith.

IT IS SO ORDERED this 10th day of February, 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE